IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 29 (S/S) 2007

Ashish Semwal S/o late Sri B.P. Semwal,
R/o Construction Division, Public Works Department,
Narendra Nagar, Distt. Tehri Garhwal. .....Petitioner.

Versus

1. State of Uttarakhand through Secretary,
   Public Works Deptt. Govt. of Uttarakhand, Dehradun.
2. Chief Engineer Garhwal Division,
   Public Works Department, Pauri Garhwal,
3. Executive Engineer, Construction Division,
   Public Works Deptt. Narendra Nagar,
   Tehri Garhwal. .....Respondents.

Sri Tanuj Semwal, learned counsel for the petitioner,
Sri N.P. Sah, learned Standing Counsel for the State/respondent s.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tanuj Semwal, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

A. Issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 26.12.06 (Annexure no.2) passed by respondent no.2,

B. Issue a writ, order or direction in the nature of mandamus commanding the respondent not to transfer the petitioner from construction division P.W.D., Narendra Nagar to construction P.W.D. Purola,

C. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,

D. Award the cost of writ petition to the petitioner.

The petitioner is aggrieved against the order dated 26.12.2006 passed by the Chief Engineer, Garhwal Division, Public Works Department, Pauri Garhwal transferring the petitioner from Narendra Nagar to Puraula, on Administrative ground.

Submission of the learned counsel for the petitioner is that there was no complaint against the petitioner and he has been arbitrarily transferred on administrative ground, though he was previously transferred on 14.06.2006 from Ghansali, district Tehri Garhwal to Narendra Nagar, Tehri Garhwal. It is further submitted that the petitioner, raising his grievances, has already moved a representation on 15.01.2007 before the Chief Engineer, Garhwal Division, Public Works Department, Pauri which is annexed as annexure no. 7 to the writ petition and the said representation is still pending before the respondent who has not taken any action on his representation.

In the circumstances, I deem it fit and proper to direct the Chief Engineer, Garhwal Division, Public Works Department, Pauri/respondent no. 2 to take decision on the representation of the petitioner dated 15.01.2007, by a speaking order, within a period of three weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 14, 2007:
NCM: